

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,) DOCKET NO. UT-033011
Complainant,) ORDER NO. 04
v.) ORDER GRANTING MOTION
ADVANCED TELECOM GROUP, INC;) TO MODIFY PROCEDURAL
ALLEGIANCE TELECOM, INC.; AT&T) SCHEDULE
CORP; COVAD COMMUNICATIONS) (Answers Due Friday
COMPANY; ELECTRIC LIGHTWAVE,) December 12, 2003)
INC.; ESCHELON TELECOM, INC. f/k/a) (Replies Due Tuesday,
ADVANCED) January 6, 2004)
TELECOMMUNICATIONS, INC.;)
FAIRPOINT COMMUNICATIONS)
SOLUTIONS, INC.; GLOBAL)
CROSSING LOCAL SERVICES, INC.;)
INTEGRA TELECOM, INC.; MCI)
WORLD COM, INC.; McLEODUSA,)
INC.; SBC TELECOM, INC.; QWEST)
CORPORATION; XO)
COMMUNICATIONS, INC. f/k/a)
NEXTLINK COMMUNICATIONS, INC.,)
Respondents.)

1 Nature of the Proceeding: This is a complaint proceeding brought by the Washington Utilities and Transportation Commission (Commission), through its staff, against Qwest Corporation (Qwest) and 13 other telecommunications companies alleging that the companies entered into certain interconnection agreements identified in Exhibit A to the Amended Complaint,1 and failed to file, or timely file, the agreements with the Commission as required by state and federal law. The complaint also alleges that the companies entered into certain

1 The Commission issued a Complaint against the parties on August 14, 2003, and issued an Amended Complaint on August 15, 2003 to include Exhibits A and B to the Complaint.

agreements to resolve disputes, but that the agreements violated federal and state law by failing to make terms and conditions available to other requesting carriers, providing unreasonable preferences, and engaging in rate discrimination.

- 2 **Procedural History:** On August 14, 2003, the Commission issued a Complaint in this proceeding against Qwest and 13 other telecommunications companies. The Commission issued an Amended Complaint on August 15, 2003. The Commission convened a prehearing conference in this proceeding on September 8, 2003, establishing a procedural schedule, and setting deadlines for parties to file dispositive motions.
- 3 Order No. 01, a prehearing conference order in this proceeding, required parties to file dispositive motions by November 7, 2003, answers to dispositive motions on December 5, 2003, and replies on December 19, 2003.
- 4 On December 3, 2003, Commission Staff filed a motion requesting an extension of time to file answers to dispositive motions until Friday, December 12, 2003. In order to accommodate the filing of replies, Staff recommended that the deadline for filing replies be extended until Tuesday, January 6, 2004. The Commission issued a notice to all parties on December 3, 2003, requiring responses to Staff's motion by 10:00 a.m. on Friday, December 5, 2003.
- 5 On December 4, 2003, MCI and Time Warner Telecom of Washington, Inc., filed a letter with the Commission supporting Staff's motion. Qwest also filed a letter supporting Staff's request for an extension of time to file responses, with the understanding that any extension would apply equally to all parties.
- 6 **Commission Staff's Motion.** Commission Staff requests a one-week extension of time to file responses to dispositive motions until December 12, 2003. Commission Staff also requests that the time for filing replies be extended until Tuesday, January 6, 2003. Commission Staff requests the extension due to the unexpected absence of a Commission Staff member assigned to the matter.
- 7 **Discussion and Decision.** No party objects to Commission Staff's motion, and several parties have filed letters expressing support for the motion. Commission Staff demonstrates good cause under WAC 480-09-440 both for a continuance

and for a late-filed request for continuance. Staff's request for modification of the procedural schedule set forth in Order No. 01 is granted. **Parties must file answers to dispositive motions by Friday, December 12, 2003, and replies by Tuesday, January 6, 2003.**

Dated at Olympia, Washington, and effective this 5th day of December 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge